

EIGHTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Tuesday, March 22, 1892.
Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

PRESENT—31.

Atlee,	Lubbock,
Burney,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Stephens,
Harrison,	Sims,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger,
Kimbrough,	

Prayer by the Chaplain Dr. Smoot.
Pending the reading of the Journal, on motion of Senator Finch the further reading of the same was dispensed with.

Senator Pope moved to correct the Journal of yesterday to show him present.

Adopted.

The following reports were handed in from their respective committees.

COMMITTEE ROOM,
Austin, March 22, 1892.
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Finance to whom was referred,

House bill No. 24, being a bill to be entitled, "An act making an appropriation to defray the contingent expenses of the first called session of the Twenty-second Legislature, convened March 14, 1892, by proclamation of the Governor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with recommendation that it do pass.

Clemens, Chairman.

COMMITTEE ROOM,
Austin, March 21, 1892.
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on Education to whom was referred

Senate bill No. 21, being a bill to be entitled, "An act to amend clause 5, article 3703, chapter 3, title 78 of the revised civil statutes pertaining to free schools and public education so as to make the same conform to joint resolution No. 19 of the Twenty-second Legislature."

Approved April 28, 1891, amending section 5, article 7 of the Constitution of the State of Texas.

Have had the same under consideration and I am instructed to report the same back to the Senate, with the recommendation that it do pass.

Glasscock, Chairman.

COMMITTEE ROOM,
Austin, March 21, 1892.
Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Committee on State Affairs, to whom was referred

Senate bill No. 16, being "A bill to be entitled an act to protect material men, contractors, sub-contractors, mechanics, operatives, bookkeepers, clerks and laborers who perform labor in mill, factory, shop, store and mine, office or farm against the failure of owners, contractors or agents to pay their wages, and provide a lien for such wages,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

O'Neal, Chairman.

BILLS AND RESOLUTIONS.

Senator Page offered the following resolution:

Resolved, That 12 m., the Senate shall proceed to vote for United States Senator.

Adopted.

On motion of Senator Clemens, House bill No. 24, entitled, "An act making an appropriation to defray the contingent expenses of the first called session of the Twenty-second Legislature, convened March 14, 1892, by proclamation of the Governor," on second reading, was considered.

Bill passed to third reading.

On motion of Senator Clemens the constitutional rule, requiring bills to

be read on three several days in each House was suspended and the bill put upon its third reading and final passage by the following vote:

YEAS—25.

Atlee,	McKinney,
Clark,	O'Neal,
Clemens,	Potter,
Crane,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Harrison,	Stephens,
Johnson,	Sims,
Kearby,	Tyler,
Kimbrough,	Townsend.
Lubbock,	

Bill read third time and passed by the following vote:

YEAS—25.

Atlee,	McKinney,
Clark,	Mott,
Clemens,	O'Neal,
Crane,	Potter,
Cranford,	Page,
Finch,	Pope,
Frank,	Seale,
Glasscock,	Searcy,
Harrison,	Simkins,
Johnson,	Stephens,
Kearby,	Sims,
Kimbrough,	Townsend.
Lubbock,	

Senator Glasscock moved to take up House bill No. 16, which was printed in the Journal of yesterday.

Adopted.

House bill No. 16:

A bill to be entitled, "An act to amend 2 (a) of chapter 116, acts of the Twenty-second Legislature, entitled an act to provide for the issuance of certificates to teachers in the public free schools of Texas and prescribing their duties as such."

(On second reading.)

Bill read with favorable committee report.

Senator Glasscock offered the following amendment:

Amend section 2 "a" of the bill by inserting after the word "state" where it first occurs the following:

"And the examination of white and colored teachers shall be held separately under such rules as the Board of Examiners may prescribe."

Adopted.

Senator Tyler offered the following amendment: Amend by striking out the words "and in addition to times above specified the Board of Examiners may be convened on the call of superintendent or ex officio superintendent at any time such superintendent shall deem necessary." At the close of Section 2 "a".

Lost by the following vote:

YEAS—13.

Atlee,	Harrison,
Clemens,	Kearby,
Crane,	O'Neal,
Cranford,	Page,
Finch,	Stephens,
Glasscock,	Tyler.
	Townsend,

NAYS—14.

Burney,	Mott,
Clark,	Potter,
Frank,	Pope,
Garwood,	Seale,
Kimbrough,	Searcy,
Lubbock,	Simkins,
McKinney,	Sims.

Senator Glasscock offered the following amendment:

Amend Section 2 of the bill by inserting after the word "an" in line 7 of bill as printed in the Journal the following words: "Emergency and."

Adopted.

The bill was then passed to third reading by the following vote:

YEAS—24.

Atlee,	Lubbock,
Clark,	McKinney,
Crane,	Mott,
Cranford,	O'Neal,
Finch,	Potter,
Frank,	Page,
Glasscock,	Pope,
Garwood,	Seale,
Harrison,	Searcy,
Johnson,	Simkins,
Kearby,	Stephens,
Kimbrough,	Tyler.

The following message was received from the House:

House of Representatives,
Twenty-Second Legislature,
Austin, March 22, 1892.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed by the House to.

inform you of the passage of the following resolution:

Senate concurrent resolution for the appointment of a joint committee of ten each from the Senate and House to consider all bills in reference to the new judiciary article, with an amendment.

And the Speaker has appointed Messrs. McKinney, Brown, Gresham, Terrell and Browning as such committee on the part of the House.

Respectfully.

Geo. W. Finger,

Chief Clerk House of Representatives.

Senator Tyler moved that the constitutional rule requiring bills to be read on three several days be suspended, and the pending bill be put upon its third reading and final passage.

Adopted by the following vote:

YEAS—28.

Atlee,	Kimbrough,
Burrey,	Lubbock,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Cranford,	Potter,
Finch,	Page,
Frank,	Pope,
Glasscock,	Seale,
Garwood,	Searcy,
Harrison,	Simkins,
Ingram,	Stephens,
Johnson,	Sims,
Kearby,	Tyler.

NAYS—1.

Townsend.

Bill read third time and passed by the following vote:

YEAS—26.

Atlee,	Kearby,
Burney,	Kimbrough,
Clark,	McKinney,
Clemens,	Mott,
Crane,	O'Neal,
Cranford,	Potter,
Finch,	Page,
Frank,	Pope,
Glasscock,	Seale,
Garwood,	Searcy,
Harrison,	Simkins,
Ingram,	Stephens,
Johnson,	Tyler.

NAYS—2.

Lubbock, Townsend.

Senator Carter sent up the following privileged reports:

COMMITTEE ROOM.)

Austin, March 20, 1892.)

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate Bill No. 2, being an act to amend section 7 of an act entitled "An act to amend article 2899 of the revised civil statutes of the State of Texas relating to the recovery of damages for injuries resulting in death," approved March 25, 1887,

And find same correctly engrossed.

Carter, Chairman.

COMMITTEE ROOM.)

Austin, March 21, 1892.)

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on engrossed bills have carefully examined and compared Senate bill No. 11, being "An act to amend articles 2974, 2978 and 2979, title 54, of the revised civil statutes of the State of Texas, and to define the offense of usury and to provide a penalty therefor, and to repeal chapter 18 of the general laws of the regular session of the Twenty-second Legislature, and find the same correctly engrossed.

Carter, Chairman.

On motion of Senator Johnson Senator Altee was excused for non-attendance on yesterday on account of important business.

Senate bill No. 11, entitled "An act to amend articles 2974, 2978 and 2979, of title 54, revised civil statutes of the State of Texas."

(On third reading.)

Read third time. Senator Kimbrough moved that the bill as amended be printed in today's journal and that the senate consider the same tomorrow morning.

Adopted.

The bill as amended reads as follows:

Senate bill No. 11. A bill to be entitled, "An act to amend articles 2974, 2978 and 2979; of title 54 of the revised civil statutes of the State of Texas, and to

define the offense of usury, and to provide a penalty therefor, and to repeal chapter 18 of the general laws of the regular session of the Twenty-second legislature.

Section 1. Be it enacted by the legislature of the State of Texas:

That articles 2974, 2978 and 2979, title 54 of the revised civil statutes of the State of Texas, be amended so as to read hereafter as follows:

Article 2974. 'Conventional interest' is that interest which is agreed upon and fixed by the parties to a written contract not to exceed ten per centum per annum.

Article 2978. The parties to any written contract may agree to and stipulate for any rate of interest not exceeding ten per centum per annum on the amount or value of the contract.

Article 2979. The taking, receiving, reserving or charging a rate of interest greater than is allowed by the preceding article, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon.

In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back in any court having jurisdiction, from the person or association taking or receiving such interest, twice the amount of the interest thus paid.

Section 2. Any person, corporation or association of persons who shall knowingly, either directly or indirectly, take, receive, reserve or charge a rate of interest greater than the maximum rate of conventional interest allowed by law shall be deemed guilty of usury; and, upon conviction thereof, shall be fined in a sum of money equal to twice the amount of the interest received. All fines collected under this act shall be paid into the road and bridge fund of the county in which the same are collected.

A judgment in a civil action, rendered upon the merits under section one of this act may be pleaded in bar of a prosecution under section two, and a judgment of conviction or acquittal of the offense of usury may be pleaded in bar of the civil action.

Section 3. It is hereby made the duty of each district judge in this State to specially give this statute in charge to the grand jury at each term of his court.

Section 4. That all laws and parts

of laws in conflict herewith, and particularly chapter 18 of the general laws passed by the last session of the Legislature being an act entitled "An act to define and punish usury be and the same are hereby repealed. And there being no law making fully effective the recent amendment to the constitution regarding interest, an emergency exists and an imperative public necessity requires the immediate passage of this act, wherefore the constitutional rule shall be suspended and this act take effect from and after its passage and it is so enacted.

Senate Concurrent Resolution for the appointment of a joint committee of ten each from the House and Senate to consider bills in reference to the new Judiciary article, was read with the House amendment, reducing the number to five from each House.

On motion of Senator Carter the House amendment was concurred in.

Senator Carter moved that the Senate take recess until 11:40 this morning.

Adopted.

11:40 a. m.

Senate called to order.

Quorum present.

In response to the House amendment to Senate concurrent resolution adopted this morning, the Chair announced the names of Senators Carter, Pope, Burney, Simkins and Harrison as the committee to act with like committee from the House, to whom all bills on the judiciary shall be referred.

12 m.

The hour having arrived at which the Senate, by resolution offered this morning, should proceed to the election of a United States Senator to fill the unexpired term of Senator Reagan, resigned.

The Chair announced that nominations were now in order.

Senator Geo. W. Tyler placed before the Senate the name of the Hon Roger Q. Mills as follows:

Mr. President and Senators:

In response to the impulses of my own heart, in response to the wishes of my associates and in response to the voice of the people of this great State, I come today to perform the proudest duty of my life, to place before this honorable body for the position of United States Senator one who by his fidelity to democracy and by his dis-

tinguished services to his country has won a renown second to no man of his age and generation, the Hon. Roger Q. Mills, of Navarro county.

There are times in the history of all countries when great principles are put upon trial and when intrepid leadership is demanded. Soon after the formation of our government centralization stalked like a grim spectre in the executive chamber and in the halls of congress. The doctrines against which our forefathers revolted again asserted themselves in the citadels of power and a government of the people was rapidly giving way to a political aristocracy. Republican principles were upon trial and everything depended upon leadership. In that trying hour all eyes were turned to Thomas Jefferson, and he, like Cincinnatus, was summoned from his retirement to lead the votaries of a pure democracy. Again, in 1828, when the same issues were facing each other in national politics, the immortal Jackson rose up to lead the people's cause. And when the people of the South, unwilling to longer submit to the encroachments of the general government upon the reserved rights of the states, were denied the right to peaceably withdraw from the Union and at last appealed to the god of battle in defense of their homes and their firesides, they turned with one accord to Jefferson Davis, the peerless statesman and the unconquerable patriot of the South, and to the glittering swords of Lee and Jackson, the chivalrous chieftains of the greatest conflict that ever raged among civilized men.

Different in form but no less potent in its consequences, the conflict still rages. Paternalism is grappling to control the policies of the general government and to strangle to death the democracy of Jefferson and Jackson. The United States Senate is being filled with millionaires who have fattened upon the fruits of the robber tariff. Protection and monopoly are destroying the energies and the resources of a free people, and aristocracy flourishes in a land of plenty where labor goes unrewarded and where needless poverty is a menace to social order and good government. The Democratic party has unsheathed its sword in defense of the laboring poor of this fruitful land, to secure to labor its just reward and to ourselves and our posterity the free institutions of our fathers and the

blessings of peace and prosperity. United upon this demand from Maine to California, from the lakes to the gulf, it marches today with the tread of soldiery, as glorious as an army with banners, the watchwords are "Tariff Reform."

Who above all others in this State is the exponent of that principle? Who of the many pure and able men of Texas has borne this banner aloft in the storm of battle and planted it in the midst of the enemy's camp fires? Who in the summer's heat and the winter's blast has stood within the shadows of the protected factories of the East and in the Republican strongholds of the Northwest and has there pleaded the cause of the squalid poverty of the cities and of the unpaid labor of the farm? Who with unanswerable logic and matchless eloquence has carried that principle to success in Iowa, Illinois, Indiana, Ohio, New York and Massachusetts and brought to the present congress the largest Democratic majority since the war? Who, in the face of an undeserved and unjustifiable personal defeat in the house of his friends, and amid the taunts and calumny of those who snatched from his brow the laurels a patriotic people had placed there, stands up like a giant—grand in defiance, and dauntless in courage—and challenges the cohorts of protection to the field and demands that the battle be fought to the finish? Who is this dauntless leader whom the people have chosen, and who with glistening armor, stands forth, like David, as their champion? He could be none other than Roger Q. Mills.

He needs no eulogy at my hand. His name is a household word, not only in Texas, not only in the Union, but wherever the English language is spoken and American politics are fairly understood. He is the champion of that party and those principles which were "born with the constitution and which will only die when the constitution itself dies." As a gallant Confederate soldier, as a representative in congress and in every sphere of life "he is of such form and combination that the very gods seem to have set their seal upon him to give the world assurance of a man."

That he has been loyal to every trust reposed in him need not be told you today. For twenty consecutive years he has been elected to Congress from our district, and he grows greater and greater in the esteem and confidence

of his constituents as the years go by. His brilliant and magnificent assault upon the electoral commission of 1877 is a matter of history and familiar to all. He foresaw that Samuel J. Tilden, that great patriot and champion of democracy, whom the people had chosen as their chief magistrate, would go down before a tribunal composed of eight republicans and seven democrats and he had the courage to rise up in his place in congress and protest against the infamous outrage. He took a conspicuous part in the legislation which checked the further destruction of legal tender notes, and which preserved over three hundred million dollars of that currency as a part of our circulating medium. He voted for and advocated the remonetization of silver in 1878, and has always voted for free and unlimited coinage of silver, and, if able to leave his sick room and occupy his seat in Congress, he is voting for it while I am now speaking. In all the great questions that have arisen in his state or in national politics he has fought openly and fairly for the rights of his people as guaranteed by the Constitution, and whether upon the hustings or upon the floor of Congress his prowess has never failed to inspire the confidence of his party, and has oftentimes turned defeat into victory.

What issue divides him and the Democracy of Texas? None. What issue divides him and the Democracy of the Union? None. What Democrat in Texas or in the Union has said that any question should be placed above the tariff? Not one. All agree that tariff reform is the paramount issue, and that Roger Q. Mills is its greatest champion.

"Like some tall cliff that lifts its awful form,
Rises from the plain and midway cleaves the storm,
While around its breast the rolling clouds are spread,
Eternal sunshins settles on its head."

An uncompromising Democrat, a pure patriot and a great statesman, fearless in the defense of right, consecrated to his people and to the glory of his country, the great swelling heart of the people of Texas have called him up higher, and they have already nominated him to you for United States Senator from Texas.

Senator Crane seconded the nomination of Mr. Mills as follows:

Mr. President—The highest office in

the gift of any state is that of United States senator. It is a prize much sought by the ablest, the bravest and the best. To covet it is no disgrace; to deserve it is the greatest honor. Great care should be taken in bestowing it at all times. In the hour of the greatest danger extra precaution should be taken to see that it is not given into unfriendly hands. We have arrived at one of those periods now. The Republican party at this hour controls the machinery of the Federal government. It is taxing the many for the benefit of the few; it is wringing its exactions from the toiling masses and placing them in the coffers of the rich. It heeds not the cries of the poor nor the murmurs of the oppressed, but with an insatiate greed and unslaked thirst it seeks with each succeeding year to draw from circulation the money of the country, the food of the poor, the life blood of the nation. While committing all these crimes and contemplating others it threatens to deprive its victims of the right of choosing their own representatives unless they submit to the interference of Federal officials and the restraint of Federal bayonets. In this hour of our great peril Texas needs her ablest men to lead; she has many from whom to choose, she need make no mistake. She needs a man whose courage has been tested; whose fidelity has been shown; whose patriotism cannot be doubted; whose ability is unquestioned; that man is Roger Q. Mills. You ask for proof of his courage, I point you to the blood-stained fields of Chicamauga, where so many of our bravest fell. You ask for proof of his fidelity, I point you to twenty years of faithful service in the halls of congress; with special pride do I point you to his courageous denunciation of the electoral commission, whose stupendous frauds and disgraceful actions stifled the voices of American freemen and robbed a nation of its chosen president. He saw the danger signal and fearlessly pointed it out. He advised, he pleaded, all in vain. They would not heed him. The result is known. The nation bowed its head in shame. You ask for proof of his ability as a leader. I point you to his brilliant canvass in the north and west, equalled by few and surpassed by none. To his skillful leadership in the democratic house, and to his clear expositions of pure democracy, no further proof is needed. He now, like a

plumed knight with lance at rest and visor down, awaits the commands of his state to lead the charge again. Let the order be given, as assuredly it must, and then, like brave Texans whom he has so often led, let us with him fall into line, and sweep from power those who have so long withstood the right and practiced wrong.

Senator Kearby rose and withdrew the name of Hon. Horace Chilton from the canvass.

He said:

Mr. President and Fellow Senators:

Since my earliest manhood it has been my good fortune to have had a personal acquaintance with the Hon. Horace Chilton, a man who is loved most by those who know him best; a gentleman of unquestionable integrity and recognized ability, a true and tried patriot, a typical Texan, and the very personification of Southern chivalry. The peer; yea the compeer of any man in this State. A man whose fealty to his party, the great Democratic party, has never been questioned; a man who has at all times stood ready and willing when the enemies of his party have sought to make inroads upon her fundamental principles to meet them, and by his elquence and logic to hurl them into oblivion. But, sirs, he recognizes in this unequal contest that it is best for him, and his friends for him to withdraw his name, and in doing so I desire to say for him to those who have felt it their duty to oppose him that he bears them no enmity or ill will, and to his friends who have stood by him with a devotion and fidelity that is seldom equalled, and never excelled, that there shall ever remain in his magnanimous heart the kindest remembrance, and his life in the future, as in the past, is pledged anew to devotion to his friends, his

people and the triumphant and successful establishment of the principles of the grand old Democratic party,

No other names being in nomination the Secretary proceeded to call the roll, with the following result.

Of those voting, Mills received 29 votes, as follows:

Atlee,	Lubbock,
Burney,	McKinney,
Clemens,	Mott,
Crane,	Potter,
Carter,	Page,
Cranford,	Pope,
Finch,	Seale,
Frank,	Searcy,
Glasscock,	Simkins,
Garwood,	Sims,
Harrison,	Stephens,
Ingram,	Tyler,
Johnson,	Townsend,
Kearby,	Weisiger.
Kimbrough,	

Jos. D. Sayers 1—Clark; G. W. Jones 1—O'Neal.

The chair announced that Mr. Mills had received 29 votes; Mr. Sayers 1 vote and Mr. Jones 1 vote.

On motion of Senator Carter the Senate adjourned to 10 o'clock tomorrow.

NINTH DAY.

SENATE CHAMBER,
TWENTY-SECOND LEGISLATURE,
Austin, Wednesday, March 23, 1892.

Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton up the chair.

Roll called.

Quorum present.

The following senators answering to their names: